

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:90cr78

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

DONALD DEVAN EDWARDS.)

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion for Clarification Pursuant to Rule 36 of Criminal Procedure, Also an Order by This Honorable Court to Exhausted [sic] All Administrative Remedies." [Doc. 5, filed May 22, 2008].

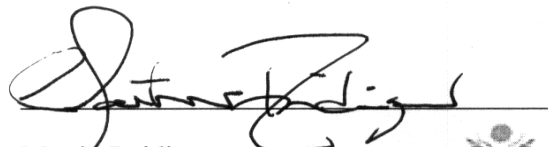
The Court previously denied the Defendant's Motion for Clarification Pursuant to Rule 36 of the Federal Rules of Criminal Procedure [Doc. 1] for failure to exhaust his administrative remedies. [Order, Doc. 3]. Although the Defendant now claims to have exhausted the administrative remedies available through the Bureau of Prisons, he has attached a letter from the Bureau of Prisons Regional Director advising him of his appeal rights. [Doc. 5 Ex. F]. There is nothing before the Court to show that the

Defendant has pursued these rights, and therefore, the Court must conclude that he has not exhausted his administrative remedies. As the Court previously stated, the denial of sentence credit by the Bureau of Prisons can be reviewed by the Court only after all administrative remedies have been exhausted. United States v. Luna-Reynoso, 258 F.3d 111, 117 (2d Cir. 2001).

IT IS, THEREFORE, ORDERED that the Defendant's Motion [Doc. 5] is **DENIED**.

IT IS SO ORDERED.

Signed: July 9, 2008


Martin Reidinger
United States District Judge

